

**Notice of Allowability**

Application No.

10/807,166

Examiner

Olga Asinovsky

Applicant(s)

ISHIDA, TORU

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/28/2006.
2. ☒ The allowed claim(s) is/are 1,6 and 11-26.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>08/22/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                           |
|  | 9. <input type="checkbox"/> Other _____.   |

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:
2. The cancellation of claims 2-5 and 7-10 is noted. Applicants amend independent claims 1 and 6 by including the definition for a core phase, wherein core particles comprise a fluorinated copolymer having the glass transition temperature (T<sub>g</sub>) in the range from -40 to 50 C and said fluorinated copolymer contains polymerized units based on (a) a fluoroolefin and polymerized unit based on (b) a vinyl monomer having at least one reactive functional group selected under Markush group practice specified in the present claims, and a shell phase has a T<sub>g</sub> in the range from 60 to 150 C., and said shell phase composes of a (meth)acrylate resin.
3. While reference of record to Hedhli et al '6,680,357 discloses an acrylic modified fluoropolymer having core/shell structure, Hedhli does not disclose a core phase comprising a fluoroolefin and polymerized unit based on a vinyl monomer having at least one reactive functional group specified in the amended claims. Also, Hedhli does not disclose a T<sub>g</sub> in the range -40 to 50 C for the core particle.
4. Upon reconsideration of the rejection over Brothers et al '6,232,372 in view of Kerbow et al 5,576,106 or Shimizu et al 5,030,667 together with the amendment and applicants' remarks it was found that Brothers does not disclose a (meth)acrylic polymer shell having a T<sub>g</sub> in the range of 60 to 150 C. Kerbow and Shimizu do not disclose the claimed core chemical formulation comprising a fluoroolefin and a polymerized unit based on a vinyl monomer having a reactive functional group. There is no motivation to

combine the teachings of these references for obtaining the claimed fluororesin powder coating composition.

5. The new search has been made, however, there is no prior art closer as that previously of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olga Asinovsky whose telephone number is 571-272-1066. The examiner can normally be reached on 9:00 to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on 571-272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

O.A.

Nov. 08, 2006

Olga Asinovsky  
Examiner  
Art Unit 1711

  
James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700